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10/052,849	10/23/2001	Robert Pisani	1141-201	1900

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EXAMINER

LU, KUEN S

ART UNIT	PAPER NUMBER
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2167

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/052,849

Applicant(s)

PISANI, ROBERT

Examiner

Kuen S Lu

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendments

1. The Action is responsive to the Applicant's Amendments, filed on June 29, 2004.
2. The Applicant's Exhibit A for "Database" definition and Exhibit B for "Query" definition are noted and considered as one of the definitions for the terms, respectively.
3. As for the Applicant's Remarks on claim rejections, filed on June 29, 2004, has been fully considered by the Examiner, please see discussion in the section Response to Arguments, following the Office Action for Final Rejection. Please note the Examiner maintains the same position in this Office Action for Final Rejection as what was set forth in the Office Action for Non-Final Rejection, dated February 15, 2004.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsutsumi et al. (U.S. Patent 5,812,998, hereafter "Tsutsumi") and further in view of Singhal (U.S. Patent 6,163,782).

As per Claims 1, 11 and 18, Tsutsumi teaches a master library of data from users of a network at Figs. 1 and 2 and col. 6, lines 63-66 by defining a grouped database consisting of a plurality of sub-databases accessible by users of a network.

Tsutsumi also teaches “determining proximity of an independent library to a sub-library within the master library” at col. 15, lines 24-28 by calculating the database structure degree of similarity between the structure of the present sub-database contained in the grouped database and a database structure that has been stored in the database-structure database.

Tsutsumi does not teach the compiling a master library from users of a network.

However, Singhal teaches creating a global view of master collection from a plurality of sub-collection view from the local nodes at col. 5, lines 24-28.

It would have been obvious to one having ordinary skill in the art at the time of the applicant’s invention was made to combine Singhal’s reference into Tsutsumi’s to create the grouped database by creating a master view consisting all the sub-views of the sub-databases such that search results from the sub-databases could be passed to and organized by a global custodian before being released to the user because by doing so the search criteria could be based on a common, yet global view.

As per Claims 2 and 12, Tsutsumi teaches “master library includes a collection of individual user libraries” at col. 6, line 63 – col. 7, line 2 by creating a grouped database of a group of sub-databases.

As per Claims 3 and 13, Tsutsumi teaches “user libraries are a collection of lists of said identifying data” at col. 6, line 65 – col. 7, line 2 by identifying and classifying data on a item-by-item basis in each of the sub-databases.

As per Claims 4 and 20, Tsutsumi teaches "the step of determining proximity includes comparing a list of names within said libraries that are common within a predetermined factor" at Figs. 13a-13b and col. 15, lines 44-63 by determining the similarity value of database structures between sub-databases with classification having a common data set and an extracted specific classification range as the predetermined factor.

As per Claims 5, 14 and 21, Tsutsumi teaches scoring the similarity of database structure between sub-databases.

Tsutsumi does not specifically teach "the step of assigning a rank to a sub-library based upon a criterion".

However, Singhal teaches scoring the document by summing the vector inner-product similarity values at col. 6, lines 49-63 and comparing the scores against each other and merging into a single list of documents at col. 7, lines 1-6.

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine Singhal's reference into Tsutsumi's to create the vector inner-product of the similarity between database-structures of sub-databases because by doing so a ranking could be established to accurately measure the similarity.

As per Claims 6, 15 and 22, Tsutsumi teaches "criteria is selected from the group consisting of: frequency of appearance in said master library, intensity of use by third

parties, cost of use, ease of use, difficulty of use, and frequency of occurrence in selected portions of said master library” at col. 16, lines 23-28 by calculating the degree of similarity based on discrete extracted classifications or based on degree of similarity in well known fuzzy sets with regard to a continuous extracted-classification range.

As per Claims 7 and 16, Tsutsumi teaches “assigning a score to said identifying data based upon proximity of said rank of identifying data in said sub-library to said lists of identifying data in said master library” at col. 16, lines 29-34 by summing up the degrees of similarity of the extracted classifications.

As per Claims 8 and 17, Tsutsumi teaches “score is based upon a quantity of redundancy between said scoring library and said sub-library” at col. 15, line 64 – col. 16, line 4 by calculating the degree of similarity based on the number of times coincidence is achieved.

As per Claim 9, Tsutsumi teaches “viewing sub-libraries within said master library” at col. 6, lines 50-57 by providing the search data to the user’s terminal.

As per Claim 10, Tsutsumi teaches “searching for said sub-library with a common subject matter to said independent library” at col. 6, lines 50-57 by retrieving user’s searching condition.

As per Claim 19, e article of claim 18, wherein the medium is selected from the group consisting of: a recordable data storage medium and a modulated carrier signal” at col. 13, lines 65-67 by listing the example of storage devices and at col. 14, lines 6-15 by central processing unit to execute various processes.

Response to Arguments

6. The Applicants’ arguments filed on June 29, 2004 have been fully considered but they are not persuasive, for the Examiner’s response, please see discussion below:

a). At Pages 2-3, the Applicant argued that the prior arts cited by the Examiner (Tsutsumi and Singhal references) and Applicant’s claimed invention are divergent in nature, because the prior arts apply to database while Applicant’s invention pertains to library which is not a database. The Applicant further defined library as “a list of names”.

As to the above argument a), the Examiner respectfully disagrees. By the Applicant’s definition, the library is a collection of data. The records of database is also a collection of data. Both prior arts and Application do not specifically teach about how the data is stored, instead, they all teach some method being applied to the **retrieved** data or collection of data.

b). At Page 3, the Applicant suggested database structure and/or sub-structure is divergent from library or sub-library which is “a list of names”, and an “alphanumeric strings”.

As to the above argument b), the Examiner respectfully disagrees. The database structure stores specific classifications, as further evidenced by Tsutsumi: col. 15, lines 58-59. It is fair to assert that database structure and substructure are also interpreted as a list of alphanumeric strings. The Examiner thus concludes that the prior arts do not teach a data or a data structure divergent from the claimed invention. The Examiner also likes to point out that both the prior arts and Application are classified under USPTO patent class 707 and close sub-classes for the arts of databases and files.

c). At Page 3, the Applicant argued that query can be conducted on database, but not on library and further alleged that the claimed invention is divergent from the cited prior arts.

As to the above argument c), the Examiner respectfully disagrees. As previously described, the claimed invention and the prior arts are about methods being applied to **retrieved** data or collection of data, not specifically about methods how the data or its collection is stored or retrieved. Furthermore "query" is simply "a question" (please see The American Heritage Dictionary, 4th Edition, 2002, Houghton Mifflin Company). Both library and database data must be queried in one way or another before they can be obtained and on which methods can be applied.

d). At Pages 3-4, the Applicant raised the issue of the need to determine the scope and content of the prior arts and the source of motivation for combining the arts.

As to the above argument d), the Examiner respectfully disagrees. As described in item b), the cited prior arts and Application are closely related arts. The two cited prior arts are devoted to information management, specifically on data structure and its sub-structures. Furthermore, the prior arts are cited because of their respective teachings and suggestions to combine, as detailed in the Office Action. The Examiner also recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

7. In light of the forgoing arguments, the 35 U.S.C 103 rejection for Claims 1-22 is hereby sustained.

8. The prior art made of record

A. U.S. Patent 5,812,998

B. U.S. Patent 6,163,782

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

C. U.S. Patent 6,615,220

D. U.S. Patent 6,526,417

E. U.S. Patent 5,778,363

F. U.S. Patent 6,199,067

G. U.S. Patent 6,108,057

9. In light of the forgoing arguments, the 35 U.S.C 103 rejection for Claims 1-22 is hereby sustained.

Conclusions

10. THIS ACTION IS MADE FINAL.

The Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is 571-272-3574 for faster service.

Art Unit: 2167

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuen S Lu whose telephone number is 571-272-4114.

The examiner can normally be reached on 8 AM to 5 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Kuen S. Lu


Patent Examiner

December 28, 2004



Luke Wassum

Primary Examiner

December 28, 2004